

BOARD OF SUPERVISORS COUNTY OF TUOLUMNE

November 13, 2012

9:00 a.m.

The Board of Supervisors of the County of Tuolumne, State of California, met in regular session on the foregoing date with Supervisors: Richard H. Pland, Chair, Randy Hanvelt, Vice Chair; Evan Royce, and John L. Gray, being present. Also present were County Administrator Craig L. Pedro; Sarah Carrillo, Acting County Counsel; and Alicia L. Jamar, Chief Deputy Clerk of the Board.

Absent: Elizabeth Bass

Supervisor John Gray, led the Pledge of Allegiance.

Oral Comm-
Columbia College
Chorus

Supervisor Randy Hanvelt addressed the Board and announced the upcoming Sounds of the Season event presented by the Columbia College Community Chorus on December 7-9 at the Opera Hall.

ConsentCalendar

On motion of Supervisor Gray, seconded by Supervisor Royce, the following items on the Consent Calendar were approved by 4-0 vote with Supervisor Bass being absent.

Minutes

1. Minutes of the meeting held on October 16, 2012.

Conflict of Interest
StrawberryFire

2. Approving the Amendment to the Conflict of Interest Code for the Strawberry Fire Protection District.

IHSS-MOU

3. Resolution No. 70-12, approving the 2012/13 In Home Supportive Service (IHSS) Providers Memorandum of Understanding (MOU).

HPRC-Resig/
NOV

4. Accepting the resignation of Charla Francis from the Historic Preservation Review Commission (HPRC), effective December 31, 2012, and directing the Clerk of the Board of Supervisors to post a Notice of Vacancy and send a letter of appreciation.

TC Resource
Conser Dist Bd.
Resig/NOV

5. Accepting the resignation of Kelli Fraguero on the Tuolumne County Resource Conservation District Board and directing the Clerk of the Board of Supervisors to post a Notice of Vacancy and send a letter of appreciation.

Area 12 Agency
on Aging Resg/
Waiving Appts.

6. Declaring vacancies of Greta Nesser, Joann Rascon, Michael Ruggles and Barry Smith on the Tuolumne County Area 12 Agency on Aging Advisory Council, as well as appointing Ruth Perrine for a term to expire January 31, 2015 and directing the Clerk of the Board of Supervisors to post a Notice of Vacancies and send confirming correspondence.

Comm on Aging
Decl Vacancy/
NOV

7. Declaring vacancies of Donna Salyer, Mike Ruggles, Joann Rascon, Marge Warner and waiving the vacating event of Roberta Goodwin on the Tuolumne County Commission on Aging, and directing the Clerk of the Board to post a Notice of Vacancies and send confirming correspondence.

BOS Airport
Appt/Reappt.

8. Approving the following on the Board of Supervisors Airport Committee: the appointment of Gary Thompson as a resident of the community surrounding the Columbia Airport, the reappointment of John Brunk as a resident of the community surrounding the Pine Mountain Lake Airport and the reappointment of Steve Martin as a user of the Pine Mountain Lake Airport, with terms to expire August 31, 2014, September 30, 2013, and 8/31/14, respectively and accepting the resignation of Clay Farlow as the Columbia Airport user and directing the Clerk of the Board of Supervisors to send a letter of appreciation and post a Notice of Vacancy.

Budget-Sheriff

Craig Pedro, County Administrator, requested consideration of approving budget and allocated position modifications related to AB 109 funding in the Sheriff-Coroner and Jail cost centers, and announcing that a 4/5 vote is required, and responded to questions from the Board.

James Mele, Sheriff/Coroner and Michael Knowles, District Attorney, addressed the Board.

It was moved by Supervisor Hanvelt, seconded by Supervisor Royce, and carried by 4-0 vote with Supervisor Bass being absent, to approve budget and allocated position modifications related to AB 109 funding in the Sheriff-Coroner and Jail cost centers.

BOS Comm/
Org/Partner
Handbook 2013

Mr. Pedro requested consideration of approving the 2013 Board of Supervisors Committees, Organizations and Partnerships Handbook and responded to questions from the Board.

It was moved by Supervisor Gray, seconded by Supervisor Royce, and carried by 4-0 vote with Supervisor Bass being absent, to approve the 2013 Board of Supervisors Committees, Organizations and Partnerships Handbook.

BOS-Legislation
Platform

Mr. Pedro requested consideration of approving a County of Tuolumne 2013 Legislative Platform, and responded to questions from the Board.

Sarah Carrillo, Deputy County Counsel addressed the Board on prevailing wage rate.

Discussion ensued.

Various changes were made directly on the document via the projector based on Board consensus.

It was moved by Supervisor Gray, seconded by Supervisor Royce, and carried by 4-0 vote with Supervisor Bass being absent, to approve a County of Tuolumne 2013 Legislative Platform with noted changes.

BOS-5 Yr. Plan

Mr. Pedro requested consideration of providing staff direction on how to prepare the 2013 County of Tuolumne 5 Year Plan, and responded to questions from the Board.

Discussion ensued on changes.

Board consensus to directing staff how to prepare the 2013 County of Tuolumne 5 Year Plan with noted changes as discussed and return to the Board at a later date.

The Board recessed at 10:31 a.m. and reconvened at 10:40 a.m.

**Reso-Road Name
Justice Center Dr**

Beverly Shane, Community Resources Agency Director, requested consideration of approving the road name Justice Center Drive for the on-site roadway within the Justice Center property located at the intersection of State Highway 108 and Old Wards Ferry Road and responded to questions from the Board.

Maureen Frank, Deputy County Administrator, responded to questions from the Board.

Jim Garaventa addressed the Board.

Discussion ensued.

Board consensus to direct staff to return the matter to the Board on December 18, 2012 with top 3 or 4 names to choose from.

**CIP-Road Repair
CSA #3, Project
No. 1649**

Tanya Allen, Civil Engineer, requested consideration of approving the 2012 Road Repairs-CSA #3-Project 1649 Bid Book for repairs to roads in Lake Don Pedro Unit 1 which are in County Service Area #3 and authorizing the Community Resources Agency to conduct an informal bid process for the project and responded to questions from the Board.

It was moved by Supervisor Gray, seconded by Supervisor Royce, and carried by 4-0 vote with Supervisor Bass being absent, to approve the 2012 Road Repairs-CSA #3-Project 1649 Bid Book for repairs to roads in Lake Don Pedro Unit 1 which are in County Service Area #3 and authorizing the Community Resources Agency to conduct an informal bid process for the project.

Reports-Hanvelt

Supervisor Hanvelt reported that on November 6, 2012, he attended an Anniversary party and election night events; on November 7th, he attended a Tuolumne Wine Association meeting; on November 8th, he attended a Sons in Retirement (SIRs) meeting, the Transitional Housing open house, the Central Sierra Economic Development District meeting and the retirement party for Mary

Finigian; on November 9th, he met with constituents and met with staff; on November 12th, he met with Business Council representative and attended a Tuolumne County Farm Bureau meeting.

Reports-Gray

Supervisor Gray reported that on November 7, 2012, he attended a Catholic Charities meeting; on November 8th; he attended the - Transitional Housing open house and attended a meeting on Southwest Interface Team (SWIFT); on November 9th, he attended the Tuolumne County Economic Development Authority (TCEDA) meeting.

Reports-Pland

Supervisor Pland reported that on November 8, 2012, he attended the Transitional Housing open house; on November 9th, he attended the TCEDA meeting; and on November 10-12th, he attended various Veterans events.

Reports-Pedro

Mr. Pedro reported that last week he attended a meeting with staff on road and maintenance and announced the upcoming furlough schedule.

Reports-Carrillo

Ms. Carrillo reported on the upcoming training schedule and the on-call attorney schedule during the upcoming furlough.

Closed Session

The Board recessed at 11:08 a.m., to Closed Session 1) **Conference with Legal Counsel - Initiation of Litigation:** (Authority: Government Code § 54956.9(c) - One Case; 2) **Conference with Legal Counsel - Existing Litigation** (Authority: Government Code § 54956.9(a)) - Larry Busby vs. Central Sierra Planning Council, et al., Tuolumne County Superior Court Case No. CV57480; 3) **Conference with Labor Negotiators:** Craig Pedro, County Administrator; Bill Morse, Human Resources/Risk Manager; and Ann Fremd, Sr. Administrative Analyst (Authority: Government Code § 54957.6) - All Bargaining Units; and 4) **Conference with Real Property Negotiators:** Craig Pedro, County Administrator and Daniel Richardson, Deputy County Administrator (Authority: Government Code § 54956.8) - Several parcels located at Jamestown Mine, APNs. 58-200-27, -30 through -35, -560-01 through -03 and 59-080-42, reconvening at 11:30 a.m., the Chair announced the following:

It was moved by Supervisor Royce, seconded by Supervisor Hanvelt, and carried by 4-0 vote with Supervisor Bass being absent to direct staff to initiate litigation pursuant to Government Code 54956.9(a) - one case.

CDBG-Fund
Transfer

Public hearing was declared open to consider transferring \$1,250,000 from the Small Business Revolving Loan Fund to the Microenterprise Revolving Loan Fund.

Supervisor Royce declared a conflict of interest and left the dais at 11:31 a.m.

Terry Cox, Cox Consulting, Inc., presented the staff report and responded to questions from the Board on whether funds can be allocated to the TCEDA.

No one wished to speak, the public hearing was declared closed.

On motion of Supervisor Gray, seconded by Supervisor Hanvelt, the following resolution was adopted by 3-0 vote with Supervisors Bass and Royce being absent.

Resolution No. 71-12

Approving the transfer of \$1,250,000 from the Small Business Revolving Loan Fund to the Microenterprise Revolving Loan Fund.

Supervisor Royce returned to the dais at 11:42 a.m.

Presentation-TC
Visitor's Bureau

Nancy Sikes, Tuolumne County Visitors' Bureau Director; Jerry Day, Film Commissioner; and Lisa Mayo, Director of Sales and Marketing, addressed the Board and gave a presentation of the Tuolumne County Visitor's Bureau Annual Report, and responded to questions from the Board.

No action was required.

The Board recessed at 12:13 p.m. and reconvened at 1:30 p.m.

WA/Solar Use-
T-Five Ranches
and Ecoplexus

The Board continued consideration of approving T-FIVE RANCHES AND ECOPLEXUS, INC, 1) Application (WA12-002) to rescind existing and enter into a new Williamson Act Contract (04WA-073) on an 872.4± acre portion of a 887.0± acre project site, including approval of the Agricultural Management Plan; 2) Agreement to create a Solar-Use Easement for a 20 year minimum term pursuant to Government Code Section 51190 et seq on a 14.6± acre portion of the 887.0± acre project site; and 3. Conditional Use Permit CUP12-006 for the construction of a solar power generating facility on a 14.6± acre portion of the 887.0± acre project site that is zoned AE-37:AP (Exclusive Agricultural, Thirty-Seven Acre Minimum: Agricultural Preserve Combining) and is currently under Williamson Act land conservation contract 04WA-073, located at 5980, 5990, 6000 and 6060 O'Byrnes Ferry Road. It is a portion of Section 34, Township 1 North, Range 13 East; APNs 63-070-44, -62 and -64.

The Chair reopened the public hearing.

Ms. Shane presented the updated staff report.

Bill Nevin of Ecoplexus, Inc., spoke in favor and responded to questions from the Board

The Chair continued the matter to 3:00 p.m. today

Closed Session

The Board recessed at 1:39 p.m., to continued Closed Session 1) **Conference with Labor Negotiators:** Craig Pedro, County Administrator; Bill Morse, Human Resources/Risk Manager; and Ann Fremd, Sr. Administrative Analyst (Authority: Government Code § 54957.6) - All Bargaining Units; and 2) **Conference with Real Property Negotiators:** Craig Pedro, County Administrator and Daniel Richardson, Deputy County Administrator (Authority: Government Code §

54956.8) - Several parcels located at Jamestown Mine, APNs. 58-200-27, -30 through -35, -560-01 through -03 and 59-080-42, reconvening at 3:00 p.m., the Chair announced that there was nothing to report.

WA/Solar Use-
T-Five Ranches
and Ecoplexus

The Board continued consideration of approving T-FIVE RANCHES AND ECOPLEXUS, INC, 1) Application (WA12-002) to rescind existing and enter into a new Williamson Act Contract (04WA-073) on an 872.4± acre portion of a 887.0± acre project site, including approval of the Agricultural Management Plan; 2) Agreement to create a Solar-Use Easement for a 20 year minimum term pursuant to Government Code Section 51190 et seq on a 14.6± acre portion of the 887.0± acre project site; and 3. Conditional Use Permit CUP12-006 for the construction of a solar power generating facility on a 14.6± acre portion of the 887.0± acre project site that is zoned AE-37:AP (Exclusive Agricultural, Thirty-Seven Acre Minimum: Agricultural Preserve Combining) and is currently under Williamson Act land conservation contract 04WA-073, located at 5980, 5990, 6000 and 6060 O'Byrnes Ferry Road. It is a portion of Section 34, Township 1 North, Range 13 East; APNs 63-070-44, -62 and -64.

Ms. Shane presented the updated staff report.

Mr. Nevins and Stacy Dodge addressed the Board.

No one wished to speak, the public hearing was declared closed.

It was moved by Supervisor Pland, seconded by Supervisor Gray, and carried by 4-0 vote with Supervisor Bass being absent to approve: 1) Negative Declaration, finding that: A. The proposed project will not result in significant adverse impacts to the environment; B. The Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA) and State and County guidelines for the implementation of CEQA; C. The Negative Declaration reflects the independent judgment of the County of Tuolumne; D. Pursuant to Section 21081.6(a)(1) of the Public Resources Code, a reporting and/or monitoring plan has been prepared, as incorporated into the conditions of approval of Conditional Use Permit CUP12-006, in order to avoid significant effects on the environment; E. The conditions of approval of Conditional Use Permit CUP12-006 are roughly proportional to the respective potential environmental impacts associated with the proposed project; F. Pursuant to Section 21081.6(a)(2) of the Public Resources Code, the custodian and location of the documents and materials which constitute the record of proceedings upon which this decision to adopt the Negative Declaration had been made are as follows: i) Air Pollution Control Office, 22365 South Airport Road, Sonora, California; ii) Clerk of the Board of Supervisors, 2 South Green Street, Sonora, California; iii) Environmental Coordinator/Community Resources Director, Tuolumne County Community Resources Agency, 48 West Yaney, Sonora, California; and iv) Fire Prevention Division, Tuolumne County Fire Department, 48 West Yaney, Sonora, California; 2) rescinding the existing Williamson Act Land Conservation Contract, finding that: A. The project is consistent with the Tuolumne County General Plan; B. The project is in accordance with Tuolumne County Resolution 106-04; C. The project is in

accordance with Section 51200 et seq of the California Government Code regarding agricultural land; D. The project site is in accordance with Section 51257 et seq of the California Government Code regarding lot line adjustments; 3. The Agricultural Management Plan, finding that: A. The Agricultural Management Plan is consistent with the Tuolumne County General Plan; B. The Agricultural Management Plan is in accordance with the Tuolumne County Ordinance Code; C. The Agricultural Management Plan is in accordance with Tuolumne County Resolution 106-04; D. The Agricultural Management Plan is in accordance with Section 51200 et seq of the California Government Code regarding agricultural land; 4. Solar-Use Easement for a 20 year minimum, finding that: A. The Solar-Use Easement is consistent with the Tuolumne County General Plan; B. The Solar-Use Easement is in accordance with the Tuolumne County Ordinance Code; C. The Solar-Use Easement is in accordance with Section 51190 et seq of the California Government Code regarding solar-use easements on agricultural land; 5. Conditional Use Permit CUP12-006 based on Conditions Nos. 1 through 40, with noted changes to condition No. 5, establishing the initial financial assurance amount of no less than \$23,550, finding that: A. The proposed development is consistent with the Tuolumne County General Plan; B. The proposed development is in accordance with the Tuolumne County Ordinance Code; C. The proposed project will not overburden existing municipal facilities; D. The size and terrain of the project site are suitable for the proposed use; and E. Under the circumstances of the particular case, the proposed use will not be substantially detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use, or be substantially detrimental or injurious to property and improvements in the neighborhood and adopt the following resolution

Resolution No. 72-12

Agreement to rescind Agricultural Land Conservation Contract and to create a Solar-Use Easement.

The Chair adjourned the meeting at 3:13 p.m., to the next regular meeting scheduled for December 4, 2012, at 9:00 a.m.

APPROVED:



RICHARD H. PLAND, CHAIR

ATTEST:

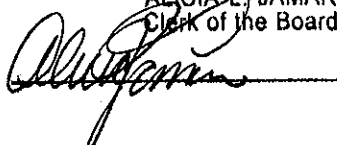


Alicia L. Jamar, Chief Deputy
Clerk of the Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

ALICIA L. JAMAR
Clerk of the Board

By:



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